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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,691	06/26/2003	Robert F. Henrick	100.2494	5375
27997	7590	02/08/2006	EXAMINER	
PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,691

Applicant(s)

HENRICK, ROBERT F.

Examiner

Khai M. Nguyen

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozaki et al. (U.S.Pat-5933478).

Regarding claim 22, Ozaki teaches a portable information device comprising:

a memory for storing and retrieving digital information (fig.1, 3, 5, host computer 110, main storage unit 114, hard disk 116, col.8, line 56 to col.9, line 5, col.9, lines 34-47);

communication means for connecting to a communication path established between a personal computer and said device (fig.1, 3, 5, col.4, lines 18-27, col.9, lines 34-47), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, col.4, lines 12-27); and

configuring means for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path (fig.1, col.7, line 61 to col.8, line 16), said communication means receiving said device

information from the personal computer after said device is configured by said configuring means to receive said digital information (fig.1, col.7, line 61 to col.8, line 16), said communication means storing received digital information into said memory (fig.1, 3, 5, host computer 110, main storage unit 114, hard disk 116, col.8, line 56 to col.9, line 5, col.9, lines 34-47).

Regarding claim 23, Ozaki teaches the portable information device of claim 22 wherein said digital information includes a personalized directory of telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 24, Ozaki teaches the portable information device of claim 22 wherein said configuring means includes a user interface for a user to initiate placing said device in said receive mode (fig.1, col.7, line 61 to col.8, line 16).

Regarding claim 25, Ozaki teaches the portable information device of claim 22 wherein said memory includes a database allowing access to stored information to a user (fig.29-30, col.19, lines 34-61, col.25, lines 1-23).

Regarding claim 26, Ozaki teaches the portable information device of claim 22 wherein said information includes a personalized directory of appointments (fig.4, 7, col.9, lines 11-32).

Regarding claim 27, Ozaki teaches the portable information device of claim 23 wherein said personalized directory includes a name associated with each of said telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 28, Ozaki teaches the portable information device of claim 26 including means for providing an audible alerting signal at a predetermined time (col.4, lines 27-43, col.12, lines 40-56), said predetermined time being associated with a particular one of the appointments within the personalized directory of appointment (fig.4, 7, col.9, lines 11-32).

Regarding claim 29, Ozaki teaches a method of remotely programming a portable information device (fig.2, col.8, lines 17-42), said device operating to wirelessly communicate in a cellular telephone system (fig.1, col.7, line 61 to col.8, line 6), the method comprising:

- configuring said device in a receive mode for receiving digital information (fig.1, col.7, line 61 to col.8, line 16);

- connecting to a communication path established between a personal computer and said device (fig.1, 3, 5, col.4, lines 18-27, col.9, lines 34-47), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, col.4, lines 12-27); and

- receiving said digital information from the personal computer over the wireless

communication path after said device is configured to receive said digital information (fig.1, col.7, line 61 to col.8, line 16).

Regarding claim 30, Ozaki teaches the method of claim 29 further comprising:  
storing the received digital information into a memory (fig.1, 3, 5, host computer 110, main storage unit 114, hard disk 116, col.8, line 56 to col.9, line 5, col.9, lines 34-47).

Regarding claim 31, Ozaki teaches the method of claim 29 wherein said digital information includes a personalized directory of telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 32, Ozaki teaches the method of claim 31 wherein said personalized directory includes a name associated with each of said telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 33, Ozaki teaches a portable information device comprising:  
a memory for storing and retrieving digital information (fig.1, 3, 5, host computer 110, main storage unit 114, hard disk 116, col.8, line 56 to col.9, line 5, col.9, lines 34-47);

a communication component connecting to a communication path established between a personal computer and said device (fig.1, 3, 5, col.4, lines 18-27, col.9, lines

34-47), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, col.4, lines 12-27); and a user interface for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path (fig.1, col.7, line 61 to col.8, line 16), said communication component receiving said digital information from the personal computer after said device is configured by said user interface to receive said digital information (fig.1, col.7, line 61 to col.8, line 16), said communication component storing received digital information into said memory (fig.1, 3, 5, host computer 110, main storage unit 114, hard disk 116, col.8, line 56 to col.9, line 5, col.9, lines 34-47).

Regarding claim 34, Ozaki teaches the portable information device of claim 33 wherein said digital information includes a personalized directory of telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 35, Ozaki teaches the portable information device of claim 33 wherein said configuring means includes a user interface for a user to initiate placing said device in said receive mode (fig.1, col.7, line 61 to col.8, line 16).

Regarding claim 36, Ozaki teaches the portable information device of claim 33 wherein said memory includes a database allowing access to stored information to a user (fig.29-30, col.19, lines 34-61, col.25, lines 1-23).

Regarding claim 37, Ozaki teaches the portable information device of claim 33 wherein said information includes a personalized directory of appointments (fig.4, 7, col.9, lines 11-32).

Regarding claim 38, Ozaki teaches the portable information device of claim 34 wherein said personalize directory includes a name associated with each of said telephone numbers (fig.4, 7, col.9, lines 11-32).

Regarding claim 39, Ozaki teaches the portable information device of claim 37 including means for providing an audible alerting signal at a predetermined time (col.4, lines 27-43, col.12, lines 40-56), said predetermined time being associated with a particular one of the appointments within the personalized directory of appointment (fig.4, 7, col.9, lines 11-32).

#### ***Citation of Pertinent Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ayanoglu et al.** (U.S.Pat-5570367) discloses Asymmetric protocol for wireless communications.

**Henry, Jr. et al.** (U.S.Pat-5603084) discloses Method and apparatus for remotely programming a cellular radiotelephone.



**Cairns** (U.S.Pat-5930703) discloses Method and systems for programming a cellular radiotelephone.

***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

1/30/2006

  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**